

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

DARIUSZ MICHALOW, et al.

FILED
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U.S. DISTRICT COURT
JAN 11 2012
X

Plaintiffs,

BROOKLYN OFFICE

- against -

MEMORANDUM & ORDER

09-cv-5475 (SLT) (MDG)

EAST COAST RESTORATION & CONSULTING
CORP., et al.,

Defendants.

X

TOWNES, United States District Judge:

On December 15, 2009 Plaintiffs filed the instant action under the Fair Labor Standards Act, New York Labor Law, and New York Codes, Rules and Regulations. On April 18, 2011, the parties moved to certify the state-law class. By order dated November 1, 2011, this Court referred the motion to Magistrate Judge Marilyn Go for a Report and Recommendation (“R&R”).

Magistrate Judge Go issued her R&R on November 17, 2011, recommending that this Court grant the parties’ motion to certify this action as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure and to add William Gonzalez as a class representative. The R&R specifically advised the parties that any objections needed to be filed on or before December 5, 2011.

To date, neither party has filed any objections to the R&R. A district court is not required to review the factual or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Nonetheless, when no objections are filed, many courts seek to satisfy themselves “that there is no clear error on the face of the record.” Fed. R. Civ. P. 72(b) advisory committee note (1983 Addition); *see also Edwards v. Town of Huntington*, No. 05 Civ. 339 (NGG) (AKT), 2007 WL 2027913, at *2 (E.D.N.Y. July 11, 2007). Accordingly, this Court has

reviewed the R& R for clear error on the face of the record. The Court finds no clear error, and therefore adopts the R&R in its entirety as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1)

CONCLUSION

For the reasons stated above, Magistrate Judge Go's Report and Recommendation dated November 17, 2011, recommending that this Court grant the parties' motion to certify this action as a class action and add William Gonzalez as a class representative, is adopted in its entirety.

SO ORDERED.

s/ SLT

✓SANDRA L. TOWNES
United States District Judge

Dated: December 29, 2011
Brooklyn, New York